



24-NS-122726
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Erbes

Serial No.: 10/065,061

Filed: September 13, 2002

For: JET PUMP SET SCREW WEDGE

Art Unit: 3641

Examiner: R. Palabrica

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

In response to the Office Action dated November 5, 2002, Applicants elect for prosecution in this application all claims that belong to Group I, i.e., Claims 1-12.

The requirement for election is traversed because the inventions set out by the claims in Groups I and II clearly are related. Applicant submits that a thorough search and examination of any Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C.

Further, the Office Action has not shown the claims of Group I and the claims of Group II are patentably distinct in accordance with MPEP §806.05(e). Particularly, the Office Action has not shown that the apparatus as claimed can be used to practice another and materially different process. Specifically, the Office Action suggests at page 2 that the "apparatus can be used as a jet pump in a non-nuclear facility, i.e., a petroleum refinery." Applicant respectfully submits that the Office Action has not supplied a materially different process in which the apparatus can be used. Particularly, Applicant submits that the Office Action has not supplied

any process because the assertion that "the apparatus can be used as a jet pump" is not a description of a process. Also, the apparatus recited in the method claims of Group II (Claims 13-19) is a wedge apparatus that is used to repair a jet pump. Applicant submits that the wedge apparatus recited in method Claims 13-19 can not be used as a jet pump in a petroleum refinery. Accordingly, Applicant respectfully requests that the restriction requirement be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Tersillo", written in dark ink.

Michael Tersillo
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9p3641

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Serial No.: 10/065,061 : Art Unit: 3641
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For: JET PUMP SET SCREW WEDGE :

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THE COMMISSIONER OF PATENTS AND TRADEMARKS

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GROUP 3600

I certify that the attached, including:

- Amendment (2 pgs.), in response to Office Action dated November 5, 2002
- Amendment Transmittal Form (3 pgs.)(in duplicate)
- Return post card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231..

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Applicant: Erbes

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:
:

**Commissioner for Patents
Washington, D.C. 20231**

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AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

___ a small entity. A verified statement:
___ is attached.
___ was already filed.
☒ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING
___ deposited with the United States Postal Service
with sufficient postage as first class mail, in an
envelope addressed to the Assistant Commissioner for
Patents, Washington, D.C. 20231

FACSIMILE
___ transmitted by facsimile to the Patent and
Trademark Office

Date: _____

Michael Tersillo, Reg. No. 42,180

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ___ Applicant petitions for an extension of time under 37 C.F.R. 1.136

(Fees: 37 C.F.R. 1.17(a)(1-5) for the total number of months checked below:)

Extension (months)	Fee for other than small entity	Fee for small entity
___ one month	\$ 110.00	\$ 55.00
___ two months	\$ 390.00	\$ 195.00
___ three months	\$ 890.00	\$ 445.00
___ four months	\$ 1,390.00	\$ 695.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

___ An extension of _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____.

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSL Y PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE	OR	ADDITIONAL RATE FEE
TOTAL		MINUS	*	=	x \$9 = \$		x \$18 = \$
INDEP.		MINUS	**	=	x \$40 = \$		x \$80 = \$
___ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ \$135 = \$		+ \$270 = \$
					TOTAL ADDIT. FEE \$	or	TOTAL ADDIT. FEE \$

- (c)
- ☒
- No additional fee for Claims is required.

OR

- (d) _____ Total additional fee for claims required \$ _____

FEE PAYMENT

5. _____ Attached is a check in the sum of \$ _____.

_____ Charge Deposit Account No. 01-2384 the sum of \$ _____
A duplicate of this transmittal is attached.

FEE DEFICIENCY

- 6.
- ☒
- If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒
- If any additional fee for claims is required, charge Deposit Account No. 01-2384.



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